

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



September 21, 2000

ALL COUNTY LETTER NO. 00-65

**REASON FOR THIS TRANSMITTAL**

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

TO: ALL COUNTY WELFARE DEPARTMENT DIRECTORS

SUBJECT: COUNTY COORDINATORS FOR THE ONGOING REPATRIATION PROGRAM FOR AMERICAN CITIZENS

This Department is in the process of updating the County Coordinators contact list for the Ongoing Repatriation of American Citizens.

The Social Security Act authorizes the federal Department of Health and Human Services (HHS) to provide temporary assistance to United States (U.S.) citizens and their dependents who have been returned from a foreign country because of destitution, illness, war or the threat of war, an invasion or similar crisis, and are without available resources. The Act also provides for the reception, temporary care, and hospitalization of U.S. nationals who have suffered from mental illness. All assistance provided under these authorities is subject to repayment.

The federal Department of State (DOS) is responsible for the care and protection of U.S. citizens overseas. When an individual is returned to the U.S. and requires assistance, that individual is referred to the HHS for necessary assistance. The U.S. DOS, through the Bureau of Consular Affairs, Office of Overseas Citizens Services, refers persons eligible for the repatriation program as prescribed by the applicable statutes. That office informs International Social Services/American Branch, Inc. (ISS/AB) of the status of referrals, including plans for the repatriate's return to the U.S. as well as the status of the individual's physical and mental condition. They may also suggest the type of help that is needed on arrival. Within HHS' Administration for Children and Families, the Office of Refugee Resettlement (ORR) administers the Ongoing Repatriation Program. The Ongoing Program is administered through agreements between ORR and the California Department of Social Services (CDSS). The CDSS has delegated the provision of assistance to the county welfare departments.

Currently ORR is contracting with the ISS/AB to administer and establish a network of local assistance providers (county welfare departments within California), who will provide direct assistance to repatriates who are destitute or ill. A referral may consist of one person or a family. Once DOS has made a referral to ISS/AB, prearrival planning begins with the appropriate county. Plans are developed with the appropriate county for the reception of the repatriate(s) at port of entry and for onward transportation to the final destination. County reception assistance may include temporary hospitalization, overnight lodging, food, provision for escort services, and/or clothing. When the repatriate reaches his/her final destination, other assistance is made available based upon individual or family needs. The county assistance may include admission into a nursing home or hospital, settling with family or friends, moving into permanent housing or foster care placement. All costs are reimbursed to the county with federal funds.

Although the number of repatriates returned to California each year is small, it is essential that every county have a designated local coordinator. Any county may be the final destination for a repatriate. Most counties delegate this function to Adult Protective Services.

Please provide the CDSS with the following information for the individual responsible for this activity in your county:

Name and Title  
Telephone Number  
Fax Number  
E-Mail Address

In addition, we would like to have the same information for the individual who has been designated as backup or alternate. The information will be forwarded to International Social Services in Boston.

Enclosed for your information is a copy of the Social Security Act, Title 11, Section 1113, Assistance for United States Citizens Returned from Foreign Countries; Title 45, Code of Federal Regulations, Chapter 11, Part 211 - Care and Treatment of Mentally Ill Nationals of the United States, Returned from Foreign Countries; and, this Department's Repatriated Americans - Repatriated Americans Regulations, Chapter 68-100 - Repatriate Program.

Should you have any questions regarding the Ongoing Repatriation Program or this request, please do not hesitate to contact Ms. Linda Keene within this Division's Refugee Program Branch at (916) 654-2602 or e-mail at [lkeene@dss.ca.gov](mailto:lkeene@dss.ca.gov).

Sincerely

Original Document Signed By  
Bruce Wagstaff on 9/22/00

BRUCE WAGSTAFF  
Deputy Director  
Welfare to Work Division

Enclosures

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# ASSISTANCE FOR UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES

- SEC. 1113. [42 U.S.C. 1313] (a)(1) The Secretary is authorized to provide temporary assistance to citizens of the United States and to dependents of citizens of the United States, if they (A) are identified by the Department of State as having returned, or been brought, from a foreign country to the United States because of the destitution of the citizen of the United States or the illness of such citizen or any of his dependents or because of war, threat of war, invasion, or similar crisis, and (B) are without available resources.
- (2) Except in such cases or classes of cases as are set forth in regulations of the Secretary, provision shall be made for reimbursement to the United States by the recipients of the temporary assistance to cover the cost thereof.
- (3) The Secretary may provide assistance under paragraph (1) directly or through utilization of the services and facilities of appropriate public or private agencies and organizations, in accordance with agreements providing for payment, in advance or by way of reimbursement, as may be determined by the Secretary, of the cost thereof. Such cost shall be determined by such statistical, sampling, or other method as may be provided in the agreement.
- (b) The Secretary is authorized to develop plans and make arrangements for provision of temporary assistance within the United States to individuals specified in subsection (a)(1). Such plans shall be developed and such arrangements shall be made after consultation with the Secretary of State, the Attorney General, and the Secretary of Defense. To the extent feasible, assistance provided under subsection (a) shall be provided in accordance with the plans developed pursuant to this subsection, as modified from time to time by the Secretary.
- (c) For purposes of this section, the term "temporary assistance" means money payments, medical care, temporary billeting, transportation, and other goods and services necessary for the health or welfare of individuals (including guidance, counseling, and other welfare services) furnished to them within the United States upon their arrival in the United States and for such period after their arrival, not exceeding ninety days, as may be provided in regulations of the Secretary; except that assistance under this section may be furnished beyond such ninety-day period in the case of any citizen or dependent upon a finding by the Secretary that the circumstances involved necessitate or justify the furnishing of assistance beyond such period in that particular case.
- (d) The total amount of temporary assistance provided under this section shall not exceed \$1,000,000 during any fiscal year beginning after September 30, 1991.
- (e)(1) The Secretary may accept on behalf of the United States gifts, in cash or in kind, for use in carrying out the program established under this section. Gifts in the form of cash shall be credited to the appropriation account from which this program is funded, in addition to amounts otherwise appropriated, and shall remain available until expended.
- (2) Gifts accepted under paragraph (1) shall be available for obligation or other use by the United States only to the extent and in the amounts provided in appropriation Acts.

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(10) Standards and methods for determination of eligibility shall be consistent with the objectives of the programs, and will respect the rights of individuals under the United States Constitution, the Social Security Act, title VI of the Civil Rights Act of 1964, and all other relevant provisions of Federal and State laws.

(11) [Reserved]

(12) The State agency shall establish and maintain methods by which it shall be kept currently informed about local agencies' adherence to the State plan provisions and to the State agency's procedural requirements for determining eligibility, and it shall take corrective action when necessary.

(b) *Definitions.* For purposes of this section:

(1) *Applicant* is a person who has, directly, or through his authorized representative, or where incompetent or incapacitated, through someone acting responsibly for him, made application for public assistance from the agency administering the program, and whose application has not been terminated.

(2) *Application* is the action by which an individual indicates in writing to the agency administering public assistance (on a form prescribed by the State agency) his desire to receive assistance. The relative with whom a child is living or will live ordinarily makes application for the child for AFDC. An application is distinguished from an inquiry, which is simply a request for information about eligibility requirements for public assistance. Such inquiry may be followed by an application. When an individual is required to be included in an existing assistance unit pursuant to paragraph (a)(1)(vii), such individual will be considered to be included in the application, as of the date he is required to be included in the assistance unit.

(3) *Date of Application* is the date on which the action described in paragraph (b)(2) of this section occurs.

(4) *Redetermination* is a review of factors affecting AFDC eligibility and payment amount; e.g. continued absence, income (including child and spousal support), etc.

(5) *Assistance Unit* is the group of individuals whose income, resources and needs are considered as a unit for pur-

poses of determining eligibility and the amount of payment.

[48 FR 28407, June 21, 1983 as amended at 49 FR 35599, Sept. 10, 1984; 51 FR 7217, Feb. 28, 1986; 51 FR 9203, Mar. 18, 1986; 52 FR 48689, Dec. 24, 1987; 53 FR 30433, Aug. 12, 1988; 57 FR 30157, July 8, 1992]

## PART 211—CARE AND TREATMENT OF MENTALLY ILL NATIONALS OF THE UNITED STATES, RETURNED FROM FOREIGN COUNTRIES

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AUTHORITY: Secs. 1-11, 74 Stat. 308-310; 24 U.S.C. 321-329.

SOURCE: 39 FR 26546, July 19, 1974, unless otherwise noted.

### §211.1 General definitions.

When used in this part:

(a) *Act* means Pub. L. 86-571, approved July 5, 1960, 74 Stat. 308, entitled "An Act to provide for the hospitalization, at Saint Elizabeths Hospital in the District of Columbia or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes";

(b) The term *Secretary* means the Secretary of Health and Human Services;

(c) The term *Department* means the Department of Health and Human Services;

(d) The term *Administrator* means the Administrator, Family Support Administration, Department of Health and Human Services;

(e) The term *eligible person* means an individual with respect to whom the certificates referred to in §211.3 are furnished to the Administrator in connection with the reception of an individual arriving from a foreign country;

(f) The term *Public Health Service* means the Public Health Service in the Department of Health and Human Services;

(g) The term *agency* means an appropriate State or local public or non-profit agency with which the Administrator has entered into arrangements for the provision of care, treatment, and assistance pursuant to the Act;

(h) The term *State* includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam;

(i) The term *residence* means residence as determined under the applicable law or regulations of a State or political subdivision for the purpose of determining the eligibility of an individual for hospitalization in a public mental hospital;

(j) The term *legal guardian* means a guardian, appointed by a court, whose powers, duties, and responsibilities include the powers, duties, and responsibilities of guardianship of the person.

[39 FR 26546, July 19, 1974, as amended at 53 FR 36580, Sept. 21, 1988]

### §211.2 General.

The Administrator shall make suitable arrangements with agencies to the end that any eligible person will be received, upon request of the Secretary of State, at the port of entry or debarkation upon arrival in the United States from a foreign country and be provided, to the extent necessary, with temporary care, treatment, and assistance, pending transfer and release or hospitalization pursuant to the Act. The Administrator shall also make suitable arrangements with appropriate divisions of the Public Health Service, with Saint Elizabeths Hospital in the District of Columbia, with Federal hospitals outside of the Department, or with other public or private hospitals to provide the eligible person with care and treatment in a hospital. The Administrator shall maintain a roster setting forth the name and address of each eligible person currently

receiving care and treatment, or assistance, pursuant to the Act.

### §211.3 Certificates.

The following certificates are necessary to establish that an individual is an eligible person:

(a) *Certificates as to nationality.* A certificate issued by an authorized official of the Department of State, stating that the individual is a national of the United States.

(b) *Certificate as to mental condition.* Either (1) a certificate obtained or transmitted by an authorized official of the Department of State that the individual has been legally adjudged insane in a named foreign country; or (2) a certificate of an appropriate authority or person stating that at the time of such certification the individual was in a named foreign country and was in need of care and treatment in a mental hospital. A statement shall, if possible, be incorporated into or attached to the certificate furnished under this paragraph setting forth all available medical and other pertinent information concerning the individual.

(c) *Appropriate authority or person.* For the purpose of paragraph (b)(2) of this section a medical officer of the Public Health Service or of another agency of the United States, or a medical practitioner legally authorized to provide care or treatment of mentally ill persons in the foreign country, is an "appropriate authority or person," and shall be so identified in his execution of the certificate. If such a medical officer or practitioner is unavailable, an authorized official of the Department of State may serve as an "appropriate authority or person," and shall, in the execution of the certificate, identify himself as serving as such person due to the unavailability of a suitable medical officer or practitioner.

### §211.4 Notification to legal guardian, spouse, next of kin, or interested persons.

(a) Whenever an eligible person arrives in the United States from a foreign country, or when such person is transferred from one State to another, the Administrator shall, upon such arrival or transfer (or in advance thereof, if possible), provide for notification of

his legal guardian, or in the absence of such a guardian, of his spouse or next of kin, or in the absence of any of these, of one or more interested persons, if known.

(b) Whenever an eligible person is admitted to a hospital pursuant to the Act, the Administrator shall provide for immediate notification of his legal guardian, spouse, or next of kin, if known.

#### **§211.5 Action under State law; appointment of guardian.**

Whenever an eligible person is incapable of giving his consent to care and treatment in a hospital, either because of his mental condition or because he is a minor, the agency will take appropriate action under State law, including, if necessary, procuring the appointment of a legal guardian, to ensure the proper planning for and provision of such care and treatment.

#### **§211.6 Reception; temporary care, treatment, and assistance.**

(a) *Reception.* The agency will meet the eligible person at the port of entry or debarkation, will arrange for appropriate medical examination, and will plan with him, in cooperation with his legal guardian, or, in the absence of such a guardian, with other interested persons, if any, for needed temporary care and treatment.

(b) *Temporary care, treatment, and assistance.* The agency will provide for temporary care, treatment, and assistance, as reasonably required for the health and welfare of the eligible person. Such care, treatment, and assistance may be provided in the form of hospitalization and other medical and remedial care (including services of necessary attendants), food and lodging, money, payments, transportation, or other goods and services. The agency will utilize the Public Health Service General Hospital nearest to the port of entry or debarkation or any other suitable public or private hospital, in providing hospitalization and medical care, including diagnostic service as needed, pending other appropriate arrangements for serving the eligible person.

#### **§211.7 Transfer and release of eligible person.**

(a) *Transfer and release to relative.* If at the time of arrival from a foreign country or any time during temporary or continuing care and treatment the Administrator finds that the best interests of the eligible person will be served thereby, and a relative, having been fully informed of his condition, agrees in writing to assume responsibility for his care and treatment, the Administrator shall transfer and release him to such relative. In determining whether his best interest will be served by such transfer and release, due weight shall be given to the relationship of the individuals involved, the financial ability of the relative to provide for such person, and the accessibility to necessary medical facilities.

(b) *Transfer and release to appropriate State authorities, or agency of the United States.* If appropriate arrangements cannot be accomplished under paragraph (a) of this section, and if no other agency of the United States is responsible for the care and treatment of the eligible person, the Administrator shall endeavor to arrange with the appropriate State mental health authorities of the eligible person's State of residence or legal domicile, if any, for the assumption of responsibility for the care and treatment of the eligible person by such authorities and shall, upon the making of such arrangements in writing, transfer and release him to such authorities. If any other agency of the United States is responsible for the care and treatment of the eligible person, the Administrator shall make arrangements for his transfer and release to that agency.

#### **§211.8 Continuing hospitalization.**

(a) *Authorization and arrangements.* In the event that appropriate arrangements for an eligible person in need of continuing care and treatment in a hospital cannot be accomplished under §211.7, or until such arrangements can be made, care and treatment shall be provided by the Administrator in Saint Elizabeths Hospital in the District of Columbia, in an appropriate Public Health Service Hospital, or in such

other suitable public or private hospital as the Administrator determines is in the best interests of such person.

(b) *Transfer to other hospital.* At any time during continuing hospitalization, when the Administrator deems it to be in the interest of the eligible person or of the hospital affected, the Administrator shall authorize the transfer of such person from one hospital to another and, where necessary to that end, the Administrator shall authorize the initiation of judicial proceedings for the purpose of obtaining a commitment of such person to the Secretary.

(c) *Place of hospitalization.* In determining the placement or transfer of an eligible person for purposes of hospitalization, due weight shall be given to such factors as the location of the eligible person's legal guardian or family, the character of his illness and the probable duration thereof, and the facilities of the hospital to provide care and treatment for the particular health needs of such person.

#### **§211.9 Examination and reexamination.**

Following admission of an eligible person to a hospital for temporary or continuing care and treatment, he shall be examined by qualified members of the medical staff as soon as practicable, but not later than the fifth day after his admission. Each such person shall be reexamined at least once within each six month period beginning with the month following the month in which he was first examined.

#### **§211.10 Termination of hospitalization.**

(a) *Discharge or conditional release.* If, following an examination, the head of the hospital finds that the eligible person hospitalized for mental illness (whether or not pursuant to a judicial commitment) is not in need of such hospitalization, he shall be discharged. In the case where hospitalization was pursuant to a judicial commitment, the head of the hospital may, in accordance with laws governing hospitalization for mental illness as may be in force and generally applicable in the State in which the hospital is located, conditionally release him if he finds that this is in his best interests.

(b) *Notification to committing court.* In the case of any person hospitalized under §211.8 who has been judicially committed to the custody of the Secretary, the Secretary will notify the committing court in writing of the discharge or conditional release of such person under this section or of his transfer and release under §211.7.

#### **§211.11 Request for release from hospitalization.**

If an eligible person who is hospitalized pursuant to the Act, or his legal guardian, spouse, or adult next of kin, requests his release, such request shall be granted by the Administrator if his best interests will be served thereby, or by the head of the hospital if he is found not to be in need of hospitalization by reason of mental illness. The right of the administrator or the head of the hospital, to refuse such request and to detain him for care and treatment shall be determined in accordance with laws governing the detention, for care and treatment, of persons alleged to be mentally ill as may be in force and applicable generally in the State in which such hospital is located, but in no event shall the patient be detained more than forty-eight hours (excluding any period of time falling on a Sunday or a legal holiday observed by the courts of the State in which such hospital is located) after the receipt of such request unless within such time (a) judicial proceedings for such hospitalization are commenced or (b) a judicial extension of such time is obtained, for a period of not more than five days, for the commencement of such proceedings.

#### **§211.12 Federal payments.**

The arrangements made by the Administrator with an agency or hospital for carrying out the purposes of the Act shall provide for payments to such agency or hospital, either in advance or by way of reimbursement, of the costs of reception, temporary care, treatment, and assistance, continuing care and treatment, and transportation, pursuant to the Act, and payments for other expenditures necessarily and reasonably related to providing the same. Such arrangements

shall include the methods and procedures for determining the amounts of the advances or reimbursements, and for remittance and adjustment thereof.

**§ 211.13 Financial responsibility of the eligible person; collections, compromise, or waiver of payment.**

(a) *For temporary care and treatment.* If an eligible person receiving temporary care, treatment, and assistance, pursuant to the Act, has financial resources available to pay all or part of the costs of such care, the Administrator shall require him to pay for such costs, either in advance or by way of reimbursement, unless in his judgment it would be inequitable or impracticable to require such payment.

(b) *For continuing care and treatment.* Any eligible person receiving continuing care and treatment in a hospital, or his estate, shall be liable to pay or contribute toward the payment of the costs or charges therefor, to the same extent as such person would, if a resident of the District of Columbia, be liable to pay, under the laws of the District of Columbia, for his care and maintenance in a hospital for the mentally ill in that jurisdiction.

(c) *Collections, compromise, or waiver of payment.* The Administrator may, in his discretion, where in his judgment substantial justice will be best served thereby or the probable recovery will not warrant the expense of collection, compromise, or waive the whole or any portion of, any claim for continuing care and treatment, and assistance, and in the process of arriving at such decision, the Administrator may make or cause to be made such investigations as may be necessary to determine the ability of the patient to pay or contribute toward the cost of his continuing care and treatment in a hospital.

**§ 211.14 Disclosure of information.**

(a) No disclosure of any information of a personal and private nature with respect to an individual obtained at any time by any person, organization, or institution in the course of discharging the duties of the Secretary under the Act shall be made except insofar:

(1) As the individual or his legal guardian, if any (or, if he is a minor,

his parent or legal guardian), shall consent;

(2) As disclosure may be necessary to carry out any functions of the Secretary under the Act;

(3) As disclosure may be directed by the order of a court of competent jurisdiction;

(4) As disclosure may be necessary to carry out any functions of any agency of the United States which are related to the return of the individual from a foreign country, or his entry into the United States; or

(5) As expressly authorized by the Administrator.

(b) An agreement made with an agency or hospital for care, treatment, and assistance pursuant to the Act shall provide that no disclosure will be made of any information of a personal and private nature received by such agency or hospital in the course of discharging the duties under such agreement except as is provided therein, or is otherwise specifically authorized by the Administrator.

(c) Nothing in this section shall preclude disclosure, upon proper inquiry, of information as to the presence of an eligible person in a hospital, or as to his general condition and progress.

**§ 211.15 Nondiscrimination.**

(a) No eligible person shall, on the ground of race, color, or national origin, be excluded from participation, be denied any benefits, or otherwise be subjected to discrimination of any nature or form in the provision of any benefits, under the Act.

(b) The prohibition in paragraph (a) of this section precludes discrimination either in the selection of individuals to receive the benefits, in the scope of benefits, or in the manner of providing them. It extends to all facilities and services provided by the Administrator or an agency to an individual, and to the arrangements and the procedures under this part relating thereto, in connection with reception, temporary care, treatment, and assistance, and continuing hospitalization under the Act.

**PART 212—ASSISTANCE FOR UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES**

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AUTHORITY: Sec. 302, 75 Stat. 142, sec. 1102, 49 Stat. 647; 42 U.S.C. 1313, 1301.

SOURCE: 39 FR 26548, July 19, 1974, unless otherwise noted.

**§ 212.1 General definitions.**

When used in this part:

(a) *Act* means section 1113 of the Social Security Act, as amended;

(b) The term *Secretary* means the Secretary of Health and Human Services;

(c) The term *Department* means the Department of Health and Human Services;

(d) The term *Administration* means the Administration for Children and Families, Department of Health and Human Services;

(e) The term *Assistant Secretary* means the Assistant Secretary for Children and Families;

(f) The term *eligible person* means an individual with respect to whom the conditions in § 212.3 are met;

(g) The term *State* includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam;

(h) The term *United States* when used in a geographical sense means the States;

(i) The term *agency* means State or local public agency or organization or national or local private agency or organization with which the Assistant Secretary has entered into agreement for the provision of temporary assistance pursuant to the Act;

(j) The term *temporary assistance* means money payments, medical care, temporary billeting, transportation, and other goods and services necessary

for the health, or welfare of individuals, including guidance, counseling, and other welfare services.

[39 FR 26548, July 19, 1974, as amended at 53 FR 36580, Sept. 21, 1988; 60 FR 19664, Apr. 21, 1995]

**§ 212.2 General.**

The Assistant Secretary shall develop plans and make arrangements for provision of temporary assistance within the United States to any eligible person, after consultation with appropriate offices of the Department of State, the Department of Justice, and the Department of Defense. Temporary assistance shall be provided, to the extent feasible, in accordance with such plans, as modified from time to time by the Assistant Secretary. The Assistant Secretary shall enter into agreements with agencies whose services and facilities are to be utilized for the purpose of providing temporary assistance pursuant to the Act, specifying the conditions governing the provision of such assistance and the manner of payment of the cost of providing therefor.

[39 FR 26548, July 19, 1974, as amended at 60 FR 19664, Apr. 21, 1995]

**§ 212.3 Eligible person.**

In order to establish that an individual is an eligible person, it must be found that:

(a) He is a citizen of the United States or a dependent of a citizen of the United States;

(b) A written statement has been transmitted to the Administration by an authorized official of the Department of State containing information which identifies him as having returned, or been brought, from a foreign country to the United States because of the destitution of the citizen of the United States, or the illness of such citizen or any of his dependents, or because of war, threat of war, invasion, or similar crisis. Such statement shall, if possible, incorporate or have attached thereto, all available pertinent information concerning the individual. In case of war, threat of war, invasion, or similar crisis, a determination by the Department of State that such a condition is the general cause for the



return of citizens of the United States and their dependents from a particular foreign country, and evidence that an individual has returned, or, been brought, from such country to the United States shall be considered sufficient identification of the reason for his return to, or entry into the United States; and

(c) He is without resources immediately accessible to meet his needs.

[39 FR 26548, July 19, 1974, as amended at 60 FR 19864, Apr. 21, 1995]

#### §212.4 Reception; initial determination, provisions of temporary assistance.

(a) The Administration, or the agency upon notification by the Administration, will meet individuals identified as provided in §212.3(b), at the port of entry or debarkation.

(b) The Administration or agency will make findings, setting forth the pertinent facts and conclusions, and an initial determination, according to standards established by the Administration, as to whether an individual is an eligible person.

(c) The Administration or agency will provide temporary assistance within the United States to an eligible person, according to standards of need established by the Administration, upon arrival at the port of entry or debarkation, during transportation to his intermediate and ultimate destinations, and after arrival at such destinations.

(d) Temporary assistance may be furnished only for 90 days from the day of arrival of the eligible person in the United States unless he is handicapped in attaining self-support or self-care for such reasons as age, disability, or lack of vocational preparation. In such cases temporary assistance may be extended upon prior authorization by the Administration for nine additional months.

[39 FR 26548, July 19, 1974, as amended at 40 FR 43218, Sept. 19, 1975; 53 FR 36580, Sept. 21, 1988]

#### §212.5 Periodic review and redetermination; termination of temporary assistance.

(a) The Administration or agency will review the situation of each recipi-

ent of temporary assistance at frequent intervals to consider whether or not circumstances have changed that would require a different plan for him.

(b) Upon a finding by the Administration or agency that a recipient of temporary assistance has sufficient resources available to meet his needs, temporary assistance shall be terminated.

[39 FR 26548, July 19, 1974, as amended at 53 FR 36580, Sept. 21, 1988]

#### §212.6 Duty to report.

The eligible person who receives temporary assistance, or the person who is caring for or otherwise acting on behalf of such eligible person, shall report promptly to the Administration or agency any event or circumstance which would cause such assistance to be changed in amount or terminated.

[39 FR 26548, July 19, 1974, as amended at 53 FR 36580, Sept. 21, 1988]

#### §212.7 Repayment to the United States.

(a) An individual who has received temporary assistance shall be required to repay, in accordance with his ability, any or all of the cost of such assistance to the United States, except insofar as it is determined that:

(1) The cost is not readily allocable to such individual;

(2) The probable recovery would be uneconomical or otherwise impractical;

(3) He does not have, and is not expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs; or

(4) Recovery would be against equity and good conscience.

(b) In determining an individual's resources, any claim which he has against any individual, trust or estate, partnership, corporation, or government shall be considered, and assignment to the United States of such claims shall be taken in appropriate cases.

(c) A determination that an individual is not required to repay the cost of temporary assistance shall be final and binding, unless such determination was procured by fraud or misrepresentation

of the individual or some other person, or the individual voluntarily offers to repay.

(d) A determination that an individual is required to repay any or all of the cost of temporary assistance may be reconsidered at any time prior to repayment of the required amount. A further determination shall be made with respect to his liability to repay the balance of such amount on the basis of new evidence as to whether (1) he has, or is expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs, or (2) recovery would be against equity and good conscience.

#### §212.8 Federal payments.

(a) The agreement made by the Assistant Secretary with an agency for carrying out the purposes of the Act shall provide for payment to such agency, either in advance or by way of reimbursement, of the cost of temporary assistance provided pursuant to the Act, and payment of the cost of other expenditures necessarily and reasonably related to providing the same. Such agreement shall include the cost of other expenditures necessarily and reasonably related to providing the same. Such agreement shall include the method for determining such costs, as well as the methods and procedures for determining the amounts of advances or reimbursement and for remittance and adjustment thereof.

(b) To receive reimbursements, States, or other agencies, shall request and receive prior approval from the Assistant Secretary for administrative expenses incurred in developing or preparing to implement repatriation plans for groups of eligible persons. Such requests should include a description of the activities to be undertaken, an estimate of the expenses and a rationale for the expenditures. In reviewing requests, the Assistant Secretary will consider the necessity and reasonableness of the costs. Prior approval is not required for administrative expenditures incurred by a State in implementing approved repatriation plans as a result of Federal notification that an evacuation may be necessary.

[39 FR 26548, July 19, 1974, as amended at 60 FR 19864, Apr. 21, 1995]

#### §212.9 Disclosure of information.

(a) No disclosures of any information of a personal and private nature with respect to an individual obtained at any time by any person, organization, or institution in the course of discharging the duties of the Secretary under the Act shall be made except insofar:

(1) As the individual or his legal guardian, if any (or, if he is a minor, his parent or legal guardian), shall consent;

(2) As disclosure may be necessary to carry out any functions of the Secretary under the Act;

(3) As disclosure may be necessary to carry out any functions of any agency of the United States which are related to the return of the individual from a foreign country, or his entry into the United States; or

(4) As expressly authorized by the Assistant Secretary.

(b) An agreement made with an agency for the provision of temporary assistance pursuant to the Act shall provide that no disclosure will be made of any information of a personal and private nature received by such agency in the course of discharging the duties under such agreement except as is provided therein, or is otherwise specifically authorized by the Assistant Secretary.

[39 FR 26548, July 19, 1974, as amended at 60 FR 19864, Apr. 21, 1995]

#### §212.10 Nondiscrimination.

(a) No eligible person shall, on the ground of race, color, or national origin be excluded from participation, be denied any benefits, or otherwise be subjected to discrimination of any nature or form in the provision of any benefits under the Act.

(b) The prohibition in paragraph (a) of this section precludes discrimination either in the selection of individuals to receive the benefits, in the scope of benefits, or in the manner of providing them. It extends to all facilities and services provided by the Administration or an agency to an individual, and to the arrangements and the procedures under this part relating thereto, in connection with reception

and temporary assistance under the Act.

[39 FR 26548, July 19, 1974, as amended at 60 FR 19864, Apr. 21, 1995]

## PART 213—PRACTICE AND PROCEDURE FOR HEARINGS TO STATES ON CONFORMITY OF PUBLIC ASSISTANCE PLANS TO FEDERAL REQUIREMENTS

### Subpart A—General

- Sec.  
213.1 Scope of rules.  
213.2 Records to be public.  
213.3 Use of gender and number.  
213.4 Suspension of rules.  
213.5 Filing and service of papers.

### Subpart B—Preliminary Matters—Notice and Parties

- 213.11 Notice of hearing or opportunity for hearing.  
213.12 Time of hearing.  
213.13 Place.  
213.14 Issues at hearing.  
213.15 Request to participate in hearing.

### Subpart C—Hearing Procedures

- 213.21 Who presides.  
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213.23a Discovery.  
213.24 Evidentiary purpose.  
213.25 Evidence.  
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213.27 Unsponsored written material.  
213.28 Official transcript.  
213.29 Record for decision.

### Subpart D—Posthearing Procedures, Decisions

- 213.31 Posthearing briefs.  
213.32 Decisions following hearing.  
213.33 Effective date of Administrator's decision.

AUTHORITY: Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302.

SOURCE: 36 FR 1454, Jan. 29, 1971, unless otherwise noted.

### Subpart A—General

#### § 213.1 Scope of rules.

(a) The rules of procedure in this part govern the practice for hearings afforded by the Department to States pursuant to § 201.4 or § 201.6 (a) or (b) of

this chapter, and the practice relating to decisions upon such hearings. These rules may also be applied to hearings afforded by the Department to States in other Federal-State programs for which Federal administrative responsibility has been delegated to the Service.

(b) Nothing in this part is intended to preclude or limit negotiations between the Department and the State, whether before, during, or after the hearing to resolve the issues which are, or otherwise would be, considered at the hearing. Such negotiations and resolution of issues are not part of the hearing, and are not governed by the rules in this part, except as expressly provided herein.

#### § 213.2 Records to be public.

All pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs, decisions, and other documents filed in the docket in any proceeding may be inspected and copied in the office of the FSA Hearing Clerk. Inquiries may be made at the Central Information Center, Department of Health and Human Services, 330 Independence Avenue SW., Washington, DC 20201.

[36 FR 1454, Jan. 29, 1971, as amended at 53 FR 36580, Sept. 21, 1988]

#### § 213.3 Use of gender and number.

As used in this part, words importing the singular number may extend and be applied to several persons or things, and vice versa. Words importing the masculine gender may be applied to females or organizations.

#### § 213.4 Suspension of rules.

Upon notice to all parties, the Administrator or the presiding officer, with respect to matters pending before him and within his jurisdiction, may modify or waive any rule in this part upon determination that no party will be unduly prejudiced and the ends of justice will thereby be served.

#### § 213.5 Filing and service of papers.

(a) All papers in the proceedings shall be filed with the FSA Hearing Clerk, in an original and two copies. Originals

## Office of Family Assistance, ACF, HHS

§ 213.15

only of exhibits and transcripts of testimony need be filed.

(b) All papers in the proceedings shall be served on all parties by personal delivery or by mail. Service on the party's designated attorney will be deemed service upon the party.

[36 FR 1454, Jan. 29, 1971, as amended at 53 FR 36580, Sept. 21, 1988]

### Subpart B—Preliminary Matters—Notice and Parties

#### § 213.11 Notice of hearing or opportunity for hearing.

Proceedings are commenced by mailing a notice of hearing or opportunity for hearing from the Administrator to the State. The notice shall state the time and place for the hearing, and the issues which will be considered, and shall be published in the FEDERAL REGISTER.

#### § 213.12 Time of hearing.

The hearing shall be scheduled not less than 30 days nor more than 60 days after the date notice of the hearing is furnished to the State.

#### § 213.13 Place.

The hearing shall be held in the city in which the regional office of the Department is located or in such other place as is fixed by the Administrator in light of the circumstances of the case, with due regard for the convenience and necessity of the parties or their representatives.

#### § 213.14 Issues at hearing.

(a) The Administrator may, prior to a hearing under § 201.6 (a) or (b) of this chapter, notify the State in writing of additional issues which will be considered at the hearing, and such notice shall be published in the FEDERAL REGISTER. If such notice is furnished to the State less than 20 days before the date of the hearing, the State or any other party, at its request, shall be granted a postponement of the hearing to a date 20 days after such notice was furnished, or such later date as may be agreed to by the Administrator.

(b) If, as a result of negotiations between the Department and the State, the submittal of a plan amendment, a

change in the State program, or other actions by the State, any issue is resolved in whole or in part, but new or modified issues are presented, as specified by the Administrator, the hearing shall proceed on such new or modified issues.

(c)(1) If at any time, whether prior to, during, or after the hearing, the Administrator finds that the State has come into compliance with Federal requirements on any issue, in whole or in part, he shall remove such issue from the proceedings in whole or in part, as may be appropriate. If all issues are removed, he shall terminate the hearing.

(2) Prior to the removal of any issue from the hearing, in whole or in part, the Administrator shall provide all parties other than the Department and the State (see § 213.15(b)) with the statement of his intention, and the reasons therefor, and a copy of the proposed State plan provision on which the State and he have settled, and the parties shall have opportunity to submit in writing within 15 days, for the Administrator's consideration and for the record, their views as to, or any information bearing upon, the merits of the proposed plan provision and the merits of the Administrator's reasons for removing the issue from the hearing.

(d) The issues considered at the hearing shall be limited to those issues of which the State is notified as provided in § 213.11 and paragraph (a) of this section, and new or modified issues described in paragraph (b) of this section, and shall not include issues or parts of issues removed from the proceedings pursuant to paragraph (c) of this section.

#### § 213.15 Request to participate in hearing.

(a) The Department and the State are parties to the hearing without making a specific request to participate.

(b)(1) Other individuals or groups may be recognized as parties, if the issues to be considered at the hearing have caused them injury and their interest is within the zone of interests to be protected by the governing Federal statute.



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REPATRIATED AMERICANS  
REPATRIATED AMERICANS REGULATIONS

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CALIFORNIA-SDSS-MANUAL-SP

MANUAL LETTER NO. SP-89-01

Effective 2/11/89

Issue 1

## CHAPTER 68-100 REPATRIATE PROGRAM

68-101 STATUTORY BASE

68-101

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- .1 The Repatriate Program of assistance to U.S. citizens and their dependents who have returned or been brought from a foreign country to the United States because of destitution of the U.S. citizen, illness of such a citizen or any of his or her dependents, or because of war, threat of war, invasion or similar crisis, and who are without available resources was established by Public Law 87-64, which added Section 1113 to Title XI of the Social Security Act. The federal rules governing this program are set forth in Title 45, Chapter II, Part 212 of the Code of Federal Regulations (CFR).
- .2 The Repatriate Program of assistance to mentally ill U.S. citizens/nationals returned from foreign countries was established by Public Law 86-571. The federal rules governing this program are set forth in Title 45, Chapter II, Part 211 of the CFR.

## HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA Section 1313; 24 USCA Section 321 et seq.; and 45 CFR 211 and 212.

68-102 PROGRAM OBJECTIVES

68-102

## HANDBOOK BEGINS HERE

- .1 The purpose of the Repatriate Program specified in 45 CFR 212 is to help needy citizens and their dependents, who are certified as eligible by the Department of State at the point of their return and for a temporary period thereafter, and to enable them to utilize other resources for maintenance as soon as possible. Aid is provided in order to facilitate and expedite resettlement to the extent that repatriates are able to provide for themselves or, if necessary, apply for other forms of categorical assistance.
- .2 The purpose of the Repatriate Program specified in 45 CFR 211 is to help mentally ill U.S. citizen/nationals, who are certified as eligible by the Department of State at the point of their return to the U.S., and thereafter with necessary assistance, care, and treatment for a temporary period and to make arrangements for the transfer of responsibility for such persons for continued care and treatment.

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Issue 2

## 68-102 PROGRAM OBJECTIVES (Continued)

68-102

- .3 Eligibility benefits, aid payments, and duration of assistance under the Repatriate Program specified in 45 CFR 212 shall be determined in accordance with specified requirements contained within the federal "Manual of Policies and Procedures for Administration, Temporary Assistance for U.S. Citizens Returned from Foreign Countries" (May 1984) which is herein incorporated by reference.
- .4 Eligibility, assistance, care, and treatment for mentally ill repatriates specified in 45 CFR 211 shall be determined in accordance with specified requirements contained within the federal "Manual of Policies and Procedures for Administration of Services in the Care and Treatment of Mentally Ill U.S. Citizens/Nationals Returned from Foreign Countries" (October 1, 1985) which is herein incorporated by reference.
- .5 The federal manuals referenced in .3 and .4 above shall be made available upon request through:

State of California  
Department of Social Services  
Disaster Response Services Bureau  
744 "P" Street, MS 19-43  
Sacramento, CA 95814

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- .51 Manual updates will be provided to those agencies which request manuals.

## HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA Section 1313(a)(1); 24 USCA Section 322(a); and 45 CFR 211.3, .6, .7, .8, and .10 and 212.3, .4, and .5.

68-103 ELIGIBILITY REQUIREMENTS FOR THE NEEDY REPATRIATE  
SPECIFIED IN 45 CFR 212

68-103

- .1 Eligibility for assistance under the Repatriate Program shall be in accordance with the criteria specified under Division III, Part A. (Eligibility Requirements) of the federal "Manual of Policies and Procedures for Administration, Temporary Assistance for U.S. Citizens Returned from Foreign Countries" (May 1984).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA Section 1313(a)(1); and 45 CFR 212.3.

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68-104	ASSISTANCE UNDER THE REPATRIATE PROGRAM FOR THE NEEDY SPECIFIED IN 45 CFR 212	68-104
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.1 Repatriate assistance shall be as specified under Division III, Part B. (Assistance) of the federal "Manual of Policies and Procedures for Administration, Temporary Assistance for U.S. Citizens Returned from Foreign Countries" (May 1984).

.11 Repatriate assistance includes money payments, medical care, temporary billeting or lodging, transportation, and other goods and services necessary for the health or welfare of individuals. This also includes counseling and referral for employment, retraining, vocational rehabilitation, and medical services.

.2 Aid payments, resettlement expenses and the duration of assistance shall be as specified under Division III, Part B. (Assistance) of the federal "Manual of Policies and Procedures for Administration, Temporary Assistance for U.S. Citizens Returned from Foreign Countries."

.3 Extension of Eligibility

The county agency shall request an extension of assistance prior to the expiration of the initial 90-day period of eligibility if the repatriate is not eligible for assistance through categorical assistance programs and is prevented from attaining self-support due to age, disability, or lack of vocational training.

The federal authorities may permit extensions up to nine more months.

.31 Requests for extension of assistance shall contain the information specified under Division III, Part B., Section 2.c. (Extension of eligibility period) of the federal "Manual of Policies and Procedures for Administration, Temporary Assistance for U.S. Citizens Returned from Foreign Countries."

.32 Requests for extension must be submitted to:

State of California  
Department of Social Services  
Disaster Response Services Bureau  
744 "P" Street, MS 19-43  
Sacramento, CA 95814

68-104	ASSISTANCE UNDER THE REPATRIATE PROGRAM FOR THE NEEDY SPECIFIED IN 45 CFR 212 (Continued)	68-104
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Upon receipt of the request, SDSS shall present the matter to federal authorities for action prior to the end of the 90-day eligibility period of Repatriate Program assistance. The Associate Commissioner for the Office of Family Assistance (OFA) will review the request, decide if assistance shall be extended, and advise the State Department of Social Services (SDSS) to notify the county agency.

This process could be delayed, depending upon the facts and circumstances of the case; therefore, the county agency should initiate the request for extension immediately upon determining that an extension will be necessary because aid cannot be continued beyond the initial 90-day eligibility period without prior authorization.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA Section 1313(c); and 45 CFR 212.4 and .5.

68-105	ELIGIBILITY REQUIREMENTS FOR THE MENTALLY ILL REPATRIATE SPECIFIED IN 45 CFR 211	68-105
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- .1 Eligibility for care, treatment, and assistance under the Repatriate Program for the mentally ill shall be in accordance with the criteria specified under Division III, Part A. (Eligibility Requirements) of the federal "Manual of Policies and Procedures for Administration of Services in the Care and Treatment of Mentally Ill U.S. Citizens/Nationals Returned from Foreign Countries" (October 1, 1985).

NOTE: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 24 USCA Section 321(d); and 45 CFR 211.3.

68-106	ASSISTANCE, CARE AND TREATMENT FOR THE MENTALLY ILL REPATRIATE SPECIFIED IN 45 CFR 211	68-106
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- .1 Assistance payments, expenses, and services shall be provided as permitted under Division III, Parts B. (Assistance) and C. (Care and Treatment) of the federal "Manual of Policies and Procedures for Administration of Services in the Care and Treatment of Mentally Ill U.S. Citizens/Nationals Returned from Foreign Countries" (October 1, 1985).

NOTE: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 24 USCA Section 322(a); and 45 CFR 211.6, .7, .8, and .10.

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68-107

GENERAL PROCEDURES FOR THE REPATRIATE  
PROGRAMS FOR THE NEEDY AND FOR THE MENTALLY ILL

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- .1 Repatriation of both needy repatriates and/or mentally ill repatriates includes the following sequence of activities:
- .11 Overseas U.S. Department of State staff arranges for the return of the repatriate to the U.S. and refers the repatriate case to the Office of Family Assistance (OFA) Central Office in Washington, D.C. This procedure establishes the repatriate's eligibility for assistance.
  - .12 The OFA Central Office transmits the particulars of the repatriate case to the regional OFA in which the port of entry is located.
  - .13 The regional OFA refers the repatriate case to SDSS and provides guidance in developing and implementing the plan to assist the repatriate.
  - .14 SDSS transmits detailed information to the county agency where the port of entry is located regarding the identity, time, and mode of arrival of the repatriate; whether the repatriate will require resettlement assistance or the provision of onward transportation to another county or state; the diagnosis, prognosis, any special problem and other pertinent information, such as the necessity for an escort or ambulance service in the case of the physically or mentally ill repatriate.
  - .15 The county agency representative meets with the repatriate and provides the reception and onward transportation assistance to the repatriate.
  - .16 The county agency submits reports to OFA through SDSS to secure reimbursement for repatriation expenditures.

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68-107 GENERAL PROCEDURES FOR THE REPATRIATE  
PROGRAMS FOR THE NEEDY AND FOR THE MENTALLY ILL  
(Continued)

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- .2 County agency participation in Repatriate Program activities shall begin upon notification from SDSS of the expected arrival of the repatriate, or upon confirmation of repatriate status in cases of direct requests for assistance.
- .21 The eligibility of persons requesting repatriation assistance directly from the county agency shall be established prior to rendering services by one of the following methods:
- .211 The appropriate county agency shall examine the repatriate's loan document provided by the Consular Office of the Department of State or
- .212 The appropriate county agency shall request SDSS to clear the person's eligibility through the OFA Regional Office.
- .3 County agency activities as performed by a county representative shall include the following:
- .31 Meet the repatriate;
- .32 Explain the purpose and requirements of the program;
- .33 Provide a copy of the pamphlet "Temporary Assistance for Repatriates" (1988 Reprint);

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- .331 Pamphlets are available to counties upon request. Requests should be addressed to:

State of California  
Department of Social Services  
Disaster Response Services Bureau  
744 "P" Street, MS 19-43  
Sacramento, CA 95814

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CALIFORNIA-SDSS-MANUAL-SP

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Issue 7

68-107	GENERAL PROCEDURES FOR THE REPATRIATE PROGRAMS FOR THE NEEDY AND FOR THE MENTALLY ILL (Continued)	68-107
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- .34 Determine the specific need for assistance, based upon income and resource availability (see Section 68-103);
  - .35 Provide necessary assistance to the needy repatriate (see Section 68-104) or to the mentally ill repatriate (see Section 68-106);
  - .36 Secure from the repatriate a signed repayment agreement in accordance with Division IV, Part C. (Repayment by Repatriate of Cost of Assistance) of the federal "Manual of Policies and Procedures for Administration of Services in the Care and Treatment of Mentally Ill U.S. Citizens/Nationals Returned from Foreign Countries" (October 1, 1985) and Division IV, Part C. (Repayment by Repatriate of Cost of Assistance) of the federal "Manual of Policies and Procedures for Administration, Temporary Assistance for U.S. Citizens Returned from Foreign Countries" (May 1984) (see Section 68-108.11).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA Section 1313(a)(3); 24 USCA Section 322(a); and 45 CFR 211.6, .7, .8, and .10 and 212.4 and .5.

68-108	REPATRIATE PROGRAM ADMINISTRATIVE REQUIREMENTS	68-108
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t The following federal forms shall be completed by the county agency for the Repatriate Program for the Needy specified under 45 CFR 212 and for the Repatriate Program for the Mentally Ill specified under 45 CFR 211: Form SSA-2061 (rev. 7/81), "Assistance for U.S. Citizens Returned from Foreign Countries - Report on Referral and Form SSA-3955 (rev. 7/81), "Expenditure Statement and Claim for Reimbursement".

- .1 Form SSA-2061, "Assistance for U.S. Citizens Returned from Foreign Countries - Report on Referral"
- .11 A complete set of the SSA-2061 shall include the original and four copies of the SSA-2061, and one copy of the repayment agreement (see Section 68-107.36).
  - .111 The county agency shall give one copy of the repayment agreement to the repatriate and retain one copy.
  - .112 In cases where the repatriate is unable to sign the repayment agreement, the county shall submit a statement attached to the repayment agreement indicating the circumstances surrounding the repatriate's inability to sign.

68-108 REPATRIATE PROGRAM ADMINISTRATIVE REQUIREMENTS  
(Continued)

68-108

- .12 Within five days of the first contact with a repatriate, the county agency shall forward the completed set of the SSA-2061 to SDSS.

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- .13 Counties shall disregard processing instructions reflected on the SSA-2061 form itself and follow processing guidelines herein.

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- .14 The county agency shall note on the SSA-2061 its assessment of the repatriate's financial ability to make repayment, the plan for repayment, or a recommendation for waiver of repayment responsibility.

- .141 A repatriate shall be deemed able to repay when income and/or resources in excess of continuing needs can be expected to become readily available within a year after self-support is attained.

- (a) Income and/or resources are to be considered readily available when under the control of the recipient and sufficient to be drawn upon for repayment.

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It is not intended that repayment deplete income and/or resources needed to become independent or to maintain independence.

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- .142 The county agency shall recommend waiver of repayment responsibilities when there is evidence that:

- (a) costs incurred are not readily allocable to the individual;
- (b) recovery would be uneconomical or otherwise impractical;
- (c) the repatriate does not have, and is not expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs;

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REPATRIATE PROGRAM ADMINISTRATIVE REQUIREMENTS  
(Continued)

68-108

- (d) recovery would be against equity and good conscience as determined by the county;
  - (e) the repatriate is a recipient of the Supplemental Security Income/State Supplementary Payment (SSI/SSP) Program, Aid to Families with Dependent Children (AFDC) Program, or a county General Assistance/General Relief (GA/GR) Program;
  - (f) assistance amounted to less than \$50 when such assistance provided was for small, incidental expenses, such as overnight accommodations and meals incurred in the course of reception, if no other assistance was furnished; or,
  - (g) the repatriate has died, unless there is evidence of an estate.
- .143 Waiver of repayment responsibilities for mentally ill repatriates specified under 45 CFR 211 shall be recommended when there is evidence that:
- (a) the probable recovery will not warrant the expense of collection;
  - (b) the repatriate is a recipient of SSI, AFDC, or a county GA/GR Program;
  - (c) assistance amounted to less than \$50 when such assistance provided was for small, incidental expenses, such as overnight accommodations and meals incurred in the course of reception, if no other assistance was furnished; or,
  - (d) the repatriate has died, unless there is evidence of an estate.
- .144 The county shall instruct recipients to make repayments directly to federal authorities.

68-108 REPATRIATE PROGRAM ADMINISTRATIVE REQUIREMENTS  
(Continued)

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The U.S. Department of Health and Human Services (DHHS), Public Health Services is responsible for the collection of repayments for the Repatriate Program. Repayments shall be made by check or money order to the U.S. DHHS and should note that the payment is for the Repatriate Program. Payments shall be mailed to U.S. DHSS, Public Health Services, 5600 Fishers Lane, Room 16A09, Attn: Collection Officer, Rockville, MD 20857.

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.2 Form SSA-3955, "Expenditure Statement and Claim for Reimbursement"

- .21 For each repatriate case reported on Form SSA-2061, the county agency shall submit a Form SSA-3955 within five days after the close of the month. This monthly expenditure report shall be submitted in quadruplicate if funds have been expended for which the county is claiming reimbursement. A copy of a receipt or bill shall be attached to the SSA-3955 for unusual expenses such as medical bills. County agency records shall contain information and documentation necessary to support the validity of each claim.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 24 USCA Section 328, 42 USCA, Section 1313(a)(2) and (3); and 45 CFR 211.12 and .13 and 212.4 and .8.

68-109	RECORDING REQUIREMENTS FOR THE REPATRIATE PROGRAM	68-109
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A separate fiscal record shall be established and maintained for each person for whom any expenditures are made under this program.

- .1 Records shall include sufficient and accurate information as to who was aided, the type of assistance provided, and substantiation of the need for such assistance.
- .2 Records shall be retained for three years following the date the case is closed or until resolution of any litigation, claim, negotiation, audit or other action involving records.
- .3 The Department of Health and Human Services, the Comptroller General or any of their authorized representatives shall have the right of access to all records pertaining to the Repatriate Program.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 211 and 212.

68-110	SAFEGUARDING INFORMATION FOR THE REPATRIATE PROGRAM FOR THE NEEDY, AND FOR THE MENTALLY ILL	68-110
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Information concerning applicants and recipients of aid and services under these programs shall be maintained in accordance with standards contained within the federal manuals specified under Sections 68-103 and 68-105.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 211.14 and 212.9.

68-111	NONDISCRIMINATION	68-111
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Eligible applicants for assistance under the Repatriate Programs shall not be denied benefits or otherwise subjected to discrimination on the grounds of race, color, creed, or national origin.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 211.15 and 212.10.